

August 15, 2003

Public Notice for 401 Certification

Smith River Rancheria Water Intake Structure Replacement in Lopez Creek WDID No. 1A03127WNDN

Del Norte County

On July 11, 2003, the North Coast Regional Water Quality Control Board (hereinafter Regional Water Board) received an application from Mr. Roy LaFramboise on behalf of Smith River Rancheria (hereinafter applicant), requesting Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the replacement of an existing structure in Lopez Creek (Section 17, T18N, R1W, North Latitude 41° 57' 30", West Longitude 124° 12' 30", Smith River Quadrangle), at Smith River Rancheria near the town of Smith River in Del Norte County. The proposed water intake structure replacement and repair of associated bank protection will cause disturbances to Lopez Creek in the Smith River Plain Hydrologic Subarea No. 103.11.

Smith River Rancheria (hereinafter Rancheria) occupies 184.4 acres of land. The proposed project involves replacing a domestic water supply intake structure and supporting bank protection. Specifically, the applicant is proposing to replace deteriorated metal intake pipes with PVC pipes and stainless steel screens. The existing bank protection will be replaced with rock riprap. The proposed project will impact over 1400 square feet of stream bank.

Proposed noncompensatory mitigation includes performing work during the dry season (August 1 - October 15), working during low flows, and diverting flows around the project area using a coffer dam and pumping or piping flows around the project area. The pump intake will be screened to prevent the entry of fish, and a fisheries biologist will place fish screens up- and downstream of the project area and relocate stranded aquatic organisms. Gravel excavated from the channel will be stockpiled and reused as backfill. Upon project completion, all construction debris will be removed from the project area and disposed at an approved disposal site. In addition, standard construction Best Management Practices will be implemented.

Vegetation removal and habitat disturbance will be mitigated by the following measures:

- all excavated topsoil will be stockpiled and used as backfill;
- damage to tree roots will be minimized;
- thimbleberry and sword fern will be removed and retained for replanting upon project completion; and
- disturbed areas will be revegetated with native plants upon project completion.

The applicant has applied for Nationwide Permit No. 3 from the United States Army Corps of Engineers, pursuant to the Clean Water Act, Section 404. On behalf of the applicant, Del Norte County Department of Community Development submitted a Negative Declaration to the State Clearinghouse. The applicant has applied for a Lake or Streambed Alteration Agreement (1603 Permit) from California Department of Fish and Game.

Staff is proposing to regulate this project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act Authority. In addition, staff will consider all comments received during a 21-day comment period that begins on the first date of issuance of this letter. If you have any questions or comments, please contact staff member Albert Wellman by phone at (707) 576-2665, or e-mail wella@rb1.swrcb.ca.gov within 21 days of the posting of this notice.